

Remarks

In the "Response to Arguments" section of the last office action, the Examiner maintains his position that the spacer of Milikovsky may be used to reject the muntin bar claims under section 102 pointing out that patentability is based on the language of the claims and not how the recited structure is intended to be used. The Applicant intended for the claims to be limited to the muntin bar elements recited in the preamble of the claims and submits that the language used in the claims limited the claimed structure to muntin bar elements. In that the Examiner continues to cite spacer structures to meet the muntin bar body limitations, the Applicant has amended the claims to recite an insulating glazing unit having both a spacer and a muntin bar wherein the muntin bar provides the divided lite appearance to the insulating glazing unit. Each claim then recites muntin bar body structures that are not disclosed or suggested by the prior art. The Applicant submits the new claims obviate all of the rejections

In the final office action, the Examiner rejected a number of claims based on Milikovsky '517. The pending claims require the insulating glazing unit to have a muntin bar that extends into the insulating chamber of the unit to provide the divided lite appearance to the unit. Milikovsky does not disclose muntin bars and the Patent Office has recognized that muntin bar structures are independently patentable over spacer structures. The new claims are thus patentable over Milikovsky. All of the rejections in the final action apply Milikovsky as the primary reference. The Applicant thus submits the new claims that distinguish the muntin bar of the invention from the spacer of Milikovsky are patentable and are in condition for allowance.

In view of the foregoing, the Applicant respectfully requests reconsideration of the claims and most earnestly solicits the issuance of a formal Notice of Allowance for the claims.

Please call the undersigned attorney if any issues remain after this amendment.



Fred H. Zollinger III
Registration No. 39,438
Zollinger & Burleson Ltd.
P.O. Box 2368
North Canton, OH 44720
Phone: 330-526-0104
Fax: 1-866-311-9964

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I hereby certify that this correspondence (Amendment C in application serial no. 10/613,256 filed 07-03-2003) is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 13, 2006.



Fred H. Zollinger III, Reg. No. 39,438